

REMARKS

In the pending Office Action, the Examiner rejected claims 1, 2, and 4-6 under 35 U.S.C. § 112, because of a belief that terms "Mc" and "M" were not defined; objected to claim 2 because of perceived improper dependent form; and rejected claims 1, 2, and 4 under 35 U.S.C. § 103(a) as unpatentable over *Ashi et al.*, U.S. Patent No. 5,721,727 in combination with *Chang et al.*, U.S. Patent No. 5,663,949. In addition, the Examiner indicated that claims 4 and 5 would be allowable if rewritten to overcome the rejections under 35 U.S.C. § 112, second paragraph. Since the Examiner also rejected claim 4 under 35 U.S.C. § 103(a), Applicants believe that the Examiner meant to indicate that claims 5 and 6 (not claims 4 and 5) would be allowable if rewritten to overcome the rejections. Applicants respectfully request the Examiner's confirmation as to which claims contain allowable subject matter.

By the present Amendment, Applicants cancel claim 2 without prejudice or disclaimer of the subject matter thereof, and amend claims 1 and 4 to more appropriately claim the invention. The pending claims 1 and 4-6 are allowable for at least the following reasons.

Section 112 Rejections

With regard to the rejections of claim 1, the term "Mc" is a well-known term that is known not only in the art but also defined in the specification as well. Specifically, the Examiner is directed to page 18, lines 19-22 and the description that continues on the rest of pages 18 and 19. Similarly, the term "M" is also well-known term in the art and also defined in the specification on page 18, lines 19-22 and page 19, lines 1-2.

Applicants have also amended claim 4, and it fully complies with 35 U.S.C. § 112, second paragraph. Thus, the rejection must be withdrawn.

Objection To Claim 2

In response to the Examiner's objection to claim 2, Applicants have canceled that claim, without prejudice or disclaimer of the subject matter thereof. As a result, the Examiner's objection to claim 2 is moot.

Section 103(a) Rejections

The Examiner's rejection of claims 1 and 4 over the prior art is misplaced. The Examiner acknowledges that *Ashi* does not teach a method for communicating information over a line-switched ring. The Examiner also acknowledges that *Ashi* does not disclose an "incoming signal [that] comprises an incoming non-ATM STS-W and an incoming ATM STS-Mc multiplexed in an incoming STS-N, and said outgoing signal [that] comprises an outgoing non-ATM STS-W and an outgoing ATM STS-Mc, multiplexed in an outgoing STS-N, where $M+W=N$, and N, M, and W are integers indicative of the rates of said respective signals," as recited in claim 1.

Chang, singly or in combination with *Ashi*, fails to disclose or suggest each and every limitation recited in claim 1, as required by M.P.E.P. § 2143 (8th ed. 2001, revised May 2004). Finally, even if what the Examiner said was true, he would still have failed to properly establish a *prime facie* case of obviousness at least because the rejection lacks plausible motivations for combination or modification.

Ashi discloses a UPSR which stands for a Uni-Path Switch Ring. Such a ring can carry STM traffic but not ATM traffic because ATM traffic has a variable bandwidth.

BLSR (Bi-directional Line Switched Rings) are quite different from UPSRs as the specification explains on pages 1-5 and 8-10. Moreover, the different rings have different standards and different concerns. For example, because a BLSR is bi-directional, the traffic on each fiber has working and protection time slots, and the BLSR must perform ATM add/drop functionality for both directions.

The Examiner attempts to compensate these shortcomings of *Ashi* by relying upon *Chang*. *Chang* discloses a method and an optical network routing apparatus for use with an optical network that includes one or more optical fibers to carry multiplexed optical signals. *Chang*, Abstract. Each optical fiber in *Chang*'s apparatus may include a plurality of optical carriers with each carrier operating at a different wavelength. *Id.*

The Examiner's argues that it would have been obvious to have modified the *Ashi* apparatus by *Chang* to provide an efficient and improved service in the communication system. The Examiner fails to address, however, why the skilled artisan would have thought to combine *Ashi* with *Chang* to increase an inefficiency in the transport of information through optical networks. Because the Examiner identifies no motivation for their combination other than hindsight analysis, he has not made a *prima facie* case of obviousness.

Furthermore, neither *Chang* nor *Ashi* discloses a "unidirectional protection protocol [which] operates according to a variant of a BellCore GR-1230-CORE standard," as recited in present claim 1. And the Examiner does not argue otherwise. Thus, for at least this reason, the 103 rejection is wrong and must be withdrawn.

Claims 4-6 depend on claim 1 and must be allowed at least based on such dependency.


In view of the foregoing, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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